

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**KYLE W. OBERG,**

**Defendant.**

**No. 13-cr- 30182-DRH**

**MEMORANDUM and ORDER**

**HERNDON, District Judge:**

Now before the Court is defendant's motion for transcripts (Doc. 130). Specifically, defendant requests transcripts from the Court's August 10, 2016 hearing on defendant's motion for new counsel, defendant's August 16, 2016 change of plea hearing, and defendant's March 3, 2017 sentencing. Based on the following, the Court denies the motion for transcripts.

In order to obtain documents free of charge, defendant must demonstrate: (1) that he has exhausted *all* means of access to his files (*i.e.* through his trial and appellate counsel), (2) that he is financially unable to secure access to his court files (*i.e.*, through a showing similar required in 28 U.S.C. 1915(a)(2), which includes a certified copy of the prisoner's account for the previous six-month period prior to filing), and (3) that the documents requested are necessary for the preparation of a specific non-frivolous court action. *See United States v. Wilkinson*, 618 F.2d 1215, 1218-19 (7th Cir. 1980); *Rush v. United States*, 559

F.2d 455, 459 (7th Cir. 1977). These minimal requirements do not impose any substantial burden to financially unable prisoners who desire their records be sent to them at government expense.

Here, it appears that defendant has not made the required showing for this Court to order a transcript to be prepared for him free of charge. He neither has demonstrated, through sufficient evidence, that he is indigent, nor has he demonstrated that he exhausted other means of access to his sentencing and change of plea transcripts through counsel. Not only that, the transcript from the Court's August 10, 2016 hearing on defendant's motion for new counsel has not even been prepared. Lastly, defendant fails to demonstrate that the requested transcripts are necessary for the preparation of a specific non-frivolous court action, as defendant has no pending matter before this Court. Therefore, the Court is unable to certify that defendant is pursuing a matter that is not frivolous or that transcripts are needed to decide the issue or issues presented by such a matter.

Accordingly, defendant's motion for transcripts (Doc. 130) is **DENIED**.

**IT IS SO ORDERED.**

  Judge Herndon  
2018.05.15  
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United States District Judge